

education *update*

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Title IX Turns 35

The language of Title IX is simple: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Thirty-five years ago, Congress signed into law the 1972 Education Amendments, or Title IX, as it has come to be known. Stakeholders in gender equity—including lawmakers, higher education administrators, athletic coaches, parents, and students—generally agree that there is much to celebrate and more to achieve.

In June, on the 35th anniversary of Title IX, Secretary of Education Margaret Spellings remarked that the law's impact on college sports has been well documented, but its greatest influence has been in the classroom. Today, 70 percent of female high school students enroll in college immediately after graduating; in 1972, just 46 percent enrolled.

Because Title IX has wrought the most significant changes with regard to women's participation in collegiate sports, many people believe that the law applies only to athletic programs. In fact, the law also addresses gender equity in access to higher education, career education, education for pregnant and parenting students, employment, the learning environment, the math and science fields, sexual harassment, standardized testing, and technology (*see sidebar on p. 6*).

School districts, colleges, and universities receiving federal funds must comply with Title IX, which is enforced by the Office of Civil Rights (OCR) in the U.S. Department of Education. To be in compliance with Title IX, those receiving federal funds are required to

• Give assurances to federal granting agencies that programs and activities comply with Title IX.

- Designate at least one employee to coordinate Title IX compliance efforts.
- Establish a Title IX grievance procedure.
- Disseminate information about the Title IX nondiscrimination policy.

Title IX has opened many doors for women by providing greater access to educational and training programs as well as other important benefits. However, even after 35 years, the law still faces challenges in enforcement, and some believe Title IX actually decreases opportunities for male students, especially male athletes.

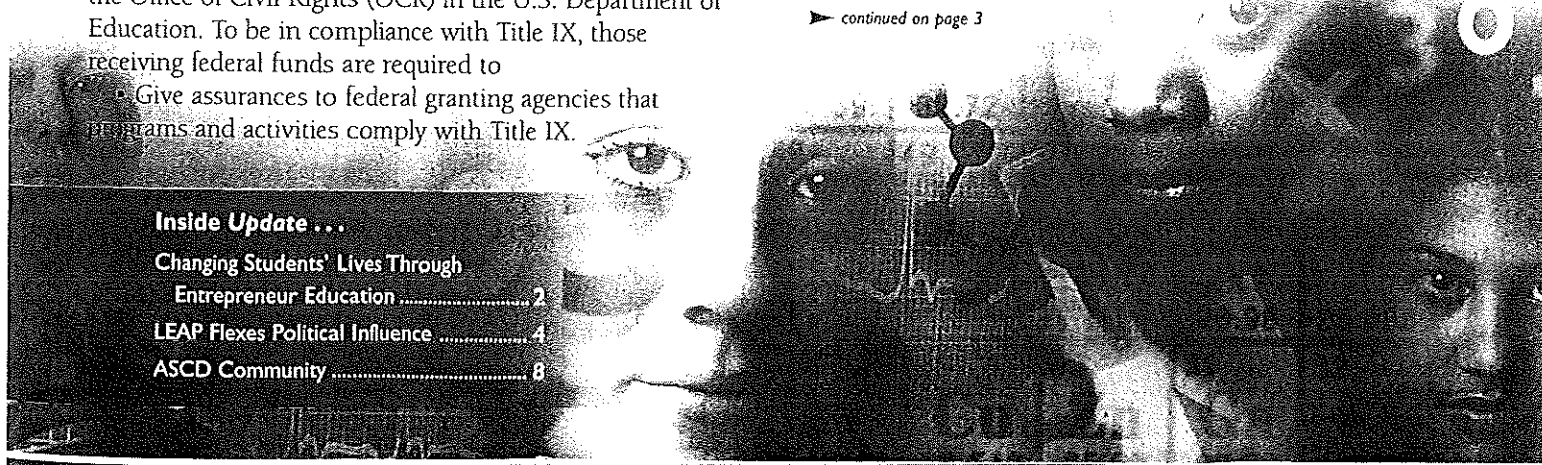
Seeking Gender Equity

The National Women's Law Center (NWLC) and the American Association of University Women (AAUW) are among the organizations dedicated to using Title IX as a tool to advance the cause of gender equity in schools and work. Formed the same year as the passage of Title IX, the NWLC explains on its Web site (www.nwlc.org) that it uses "the law in all its forms: getting new laws on the books and enforced; litigating ground-breaking cases in state and federal courts

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all the way to the Supreme Court; and educating the public about ways to make the law and public policies work for women and their families."

"Title IX has been truly transformative, and its effects since its inception 35 years ago can be seen across the country," says AAUW Director of Public Policy and Government Relations Lisa Maatz. "Girls kicking soccer balls and winning spelling bees, women doing revolutionary research and making their mark on the legal profession—this is Title IX's tangible legacy."

Focusing on STEM Disciplines

The Society of Women Engineers (SWE) and other organizations are employing Title IX to ensure that women are equally represented in the science, technology, engineering, and mathematics (STEM) fields. In February 2007, Michelle Tortolani, then SWE president-elect, asked at the National Association of Multicultural Engineering national conference, "Why, while girls comprise 55 percent of undergraduate students, do they account for only 20 percent of engineering majors, and boys remain four times more likely to enroll in undergraduate engineering programs?"

Two Congressional briefings have focused on strengthening the STEM workforce by asking this question: Are more women and members of diverse groups needed in the STEM workforce? Resoundingly, SWE (2006) says "Yes" and offers the following recommendations:

- Policymakers should step up enforcement of Title IX with regard to STEM disciplines and fund programs that will help educate students, their parents, and STEM faculty of their rights under the law.

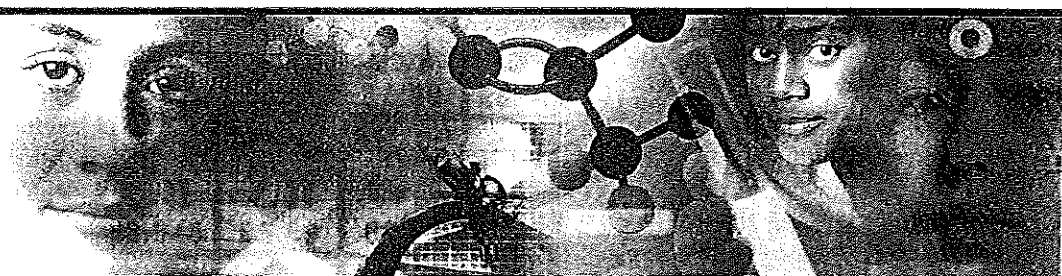
- Educational institutions should fulfill their obligations under the law; examine their institutional policies, procedures, or practices for gender bias; provide suggestions for areas to examine when evaluating programs for gender bias; and make this information accessible to the public.

- Federal funding agencies should fulfill their monitoring and enforcement obligations under the law, and make this information available to the public.

In an interview last year, Richard N. Zare, chair of the chemistry department at Stanford University, expressed his view: "It is possible to go about the application of Title IX in a confrontational manner, by challenging each unit of higher education to demonstrate compliance. Such an approach may be suboptimal and ultimately self-defeating. Consider that not a single fine was levied on schools whose sports programs were not in compliance with Title IX. Instead, by working with each institution, great progress was made. I suggest a similar approach in which sanctions are a last resort."

Zare also called for the use of what he calls "Title IX measurables," which would provide a way to judge progress in achieving gender equity. He advocates collecting information, department by department, regarding the percentage of female undergraduates majoring in the department, the percentage of females who are graduate students and postdoctoral research associates, and the percentage of females who

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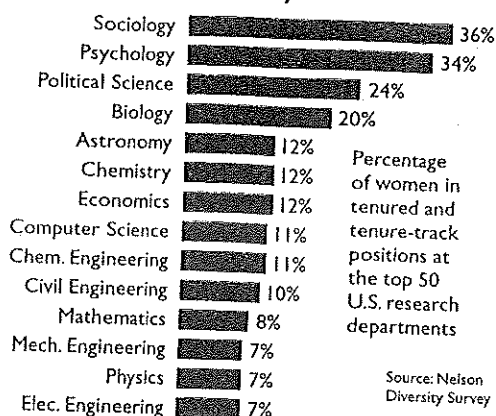
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are lecturers or instructors, assistant professors, associate professors, and full professors. He believes such data will provide insight into how much progress is actually being made in the area of gender equity.

Debra Rolison, a chemist at the Naval Research Laboratory in Washington, D.C., and longtime advocate for the enforcement of Title IX in academics, noted in a 2004 report that although women's athletic programs have blossomed under Title IX, the law is very broad and is actually intended to boost participation across a variety of academic areas: "What does Title IX have to do with women in science? Title IX is a mechanism that—when wielded—successfully effects change for women. Americans rightly attribute the Education Amendments of 1972, commonly called Title IX, with the spectacular increase in opportunities for female athletes in schools and colleges, but the law as originally written never mentioned athletics."

In a recent *Science* magazine interview, Rolison pointed out that, just this year, the National Science Foundation, the U.S. Department of Education, and NASA began visiting academic departments of college campuses that receive federal funds. For the first time, they have begun questioning research universities to determine whether their treatment of female students in science and engineering violates federal law.

Ivory Tower



"I'm delighted that a start has been made," says Rolison. "This will push science and engineering departments to work harder to recruit and retain female students and faculty."

Consequences and Controversy

Since its passage, Title IX has been the subject of more than 20 proposed amendments, reviews, and Supreme Court cases. While it is credited with opening up new athletic options for women, advocates for men's sports claim that the law has led to a decline in opportunities for men to play certain sports. At the center of the backlash against Title IX has been controversy surrounding the highly publicized cuts of men's sports in various colleges and universities. In a case brought by the National Wrestling Coaches Association, a 2004 U.S. Supreme Court decision affirmed the dismissal of a suit asking that Title IX's athletic policies be declared illegal on the grounds that they discriminate against men.

Last year's decision by Virginia's James Madison University to eliminate 10 sports teams, 7 of which were men's teams, sparked outrage and made headlines across the country. Some assert that, because of budget problems, many colleges and universities are cutting nonrevenue-producing sports, such as volleyball, crew, and archery, rather than cutting revenue-producing sports, such as football, and blaming it on Title IX.

Key Areas of Title IX—Ongoing Challenges

These statistics provide a snapshot of current educational trends. Statistics are available at I Exercise My Rights, a public service, informational campaign designed to educate the public about Title IX (www.titleix.info/content.jsp?content_KEY=181).

Access to Higher Education

In many cases, women still lag behind men in earning doctoral and professional degrees, particularly in nontraditional disciplines such as math and science, despite greater numbers of women enrolled in undergraduate programs. According to a 2000 study by the U.S. Department of Labor, nearly 75 percent of future jobs will require the use of computers, but fewer than 33 percent of participants in computer courses and related activities are girls.

Athletics

Since Title IX's passage into law, federal funding has not been withheld from a single institution because it is in viola-

tion; an increase in Title IX lawsuits suggests aggrieved parties are required to seek relief through the court system, which is costly to all parties. Each year male athletes receive \$137 million more than female athletes in college athletic scholarships at NCAA member institutions.

Career Education

Young women represent the vast majority of students enrolled in high school cosmetology, child care, and health assistant courses. Child care workers earn a median salary of \$7.43 per hour, while cosmetologists earn a median salary of \$8.49 per hour. Young men represent nearly all of the students in high school courses for plumbing and electrical work. The median salary for plumbers is \$18.19 per hour, and electricians earn a median salary of \$19.29 per hour.

Education for Pregnant and Parenting Students

Although pregnant students or teen parents are no longer forced to leave school, schools can have separate programs

Others raise the idea that quotas cause more harm than good. A post on the ASCD blog, Inservice, states, "Don't eliminate a men's team to create a women's, hope the women will want to play, and then keep the men's teams numbers low, so the decision looks like a productive and progressive one because the athletic department appears more gender equitable. Title IX is regressive, not progressive. It is robbing from Peter to pay Paula. It is a quota system." As various advocates for equity employ Title IX for their purposes—athletic or academic—anticipating the consequences, intended and unintended, should be a critical component in their strategy.

Allowing Single-Sex Education

In November 2006, the U.S. Department of Education issued Title IX regulations to ease limits on single-sex education, which allow exclusion of students from classes on the basis of gender. Acknowledging that some students learn better in a single-sex class or school, the regulations give educators more flexibility to offer single-sex classes, extracurricular activities, and schools at the elementary and secondary levels. Organizations such as AAUW state that single-sex education without proper attention to civil rights protections can reinforce problematic gender stereotypes, increase discrimination, and restrict the educational opportunities open to both girls and boys.

Issues such as whether single-sex classes are actually a step backward in the quest for gender equity or are merely alternative means to achieving it continue to make the headlines and court dockets throughout the country.

Since the passage of Title IX, opportunities for women have increased in areas as diverse as lacrosse and nanotechnology. Consequences, both intended and unintended, have been measurably diverse as well. As struggles for gender equity continue to be waged in many of the key areas that fall under Title IX's purview, its legacy is being closely examined at this significant anniversary. ■

—CAROLE HAYWARD

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for pregnant moms. However, enrollment in these programs must be voluntary, and they must be of comparable quality to the other programs the school offers.

Employment

Thirty-five years after Title IX's enactment, women make up a higher number of faculty members, but they remain significantly underrepresented in top positions. Fewer than 35 percent of school principals are women, although 65 percent of teachers are women.

Math and Science in Higher Education

Women continue to be underrepresented in math and science in higher education, with their representation decreasing as the degree level increases. Women receive 47 percent of bachelor's degrees in mathematics and 40 percent of bachelor's degrees in physical sciences; however, women are awarded only 25 percent of doctorates in each of these areas. In engineering, women receive only 18 percent of bachelor's

degrees, 21 percent of master's degrees, and 12 percent of doctorates.

Sexual Harassment

Complaints of sexual harassment from elementary and secondary schools, as well as from colleges and universities, constitute the majority of nonsports-related Title IX complaints filed with the Office of Civil Rights of the U.S. Department of Education.

Standardized Testing

The increasingly high stakes attached to many standardized tests compound the problems associated with the longstanding gender gap. The lower test scores of African American, Latina, and Native American females compared to their white and Asian peers reflect a serious educational divide. Gender differences in math and science start small and grow as students reach secondary school, where boys outperform girls on standardized tests. ■